

**50 CFR PART 660, SUBPART G**  
**FEDERAL PACIFIC COAST GROUND FISH REGULATIONS**  
**FOR COMMERCIAL AND RECREATIONAL FISHING**  
**3-200 NAUTICAL MILES**  
**OFF WASHINGTON, OREGON, AND CALIFORNIA**

UNDER THE AUTHORITY OF  
THE MAGNUSON-STEVENSON FISHERY CONSERVATION AND MANAGEMENT ACT  
and  
THE PACIFIC COAST GROUND FISH FISHERY MANAGEMENT PLAN

Based on the regulation consolidation at 61 FR 34570, July 2, 1996, as subsequently modified:  
correction--61 FR 36662, July 12, 1996  
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*Discrepancies or errors will be resolved in favor of the Federal Register.*

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50 CFR CHAPTER VI  
PART 660--FISHERIES OFF WEST COAST AND WESTERN PACIFIC STATES

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Authority: 16 U.S.C. 1801 et seq.

## Subpart A--General

### § 660.1 Purpose and scope.

(a) The regulations in this part govern fishing for Western Pacific and West Coast fishery management unit species by vessels of the United States that operate or are based inside the outer boundary of the EEZ off Western Pacific and West Coast States.

(b) General regulations governing fishing by all vessels of the United States and by fishing vessels other than vessels of the United States are contained in part 600 of this chapter.

### § 660.2 Relation to other laws.

NMFS recognizes that any state law pertaining to vessels registered under the laws of that state while operating in the fisheries regulated under this part, and that is consistent with this part and the FMPs implemented by this part, shall continue in effect with respect to fishing activities regulated under this part.

### § 660.3 Reporting and recordkeeping.

Except for fisheries subject to subparts D and F of this part, any person who is required to do so by applicable state law or regulation must make and/or file all reports of management unit species landings containing all data and in the exact manner required by applicable state law or regulation.

\* \* \* \* \* [subparts B through F for other fisheries would go here]

## Subpart G--West Coast Groundfish Fisheries

### 660.301 Purpose and scope.

This subpart implements the Pacific Coast Groundfish Fishery Management Plan (PCGFMP) developed by the Pacific Fishery Management Council. These regulations govern groundfish fishing vessels of the United States in the EEZ off the coasts of Washington, Oregon, and California. All weights are in round weight or round-weight equivalents, unless specified otherwise.

§ 660.302 Definitions.

At-sea processing means processing that takes place on a vessel or other platform that floats and is capable of being moved from one location to another, whether shoreside or on the water.

Closure, when referring to closure of a fishery, means that taking and retaining, possessing, or landing the particular species or species group is prohibited.

Commercial fishing means:

(1) Fishing by a person who possesses a commercial fishing license or is required by law to possess such license issued by one of the states or the Federal Government as a prerequisite to taking, landing and/or sale; or

(2) Fishing that results in or can be reasonably expected to result in sale, barter, trade or other disposition of fish for other than personal consumption.

Commercial harvest guideline or commercial quota means the harvest guideline or quota after subtracting any allocation for the Pacific Coast treaty Indian tribes or for recreational fisheries. Limited entry and open access allocations are based on the commercial harvest guideline or quota.

Council means the Pacific Fishery Management Council, including its Groundfish Management Team, Scientific and Statistical Committee (SSC), Groundfish Advisory Subpanel (GAP), and any other committee established by the Council.

Exempted gear means all types of fishing gear except longline, trap (or pot), and groundfish trawl gear. Exempted gear includes trawl gear used to take pink shrimp, spot and ridgeback prawns, California halibut south of Pt. Arena, CA, and sea cucumber south of Pt. Arena, under the authority of a State of California limited entry permit for the sea cucumber fishery.

Fishery management area means the EEZ off the coasts of Washington, Oregon, and California between 3 and 200 nm offshore, and bounded on the north by the Provisional International Boundary between the United States and Canada, and bounded on the south by the International Boundary between the United States and Mexico.

Fishing gear includes the following types of gear and equipment used in the groundfish fishery:

(1) Bobbin trawl. The same as a roller trawl, a type of bottom trawl.

(2) Bottom trawl. A trawl in which the otter boards or the footrope of the net are in contact with the seabed. It includes roller (or bobbin) trawls, Danish and Scottish seine gear, and pair trawls fished on the bottom. Any trawl not meeting the requirements for a pelagic trawl in § 660.322 is a bottom trawl.

(3) Chafing gear. Webbing or other material attached to the codend of a trawl net to protect the codend from wear.

(4) Codend. (See § 600.10).

(5) Commercial vertical hook-and-line. Commercial fishing with hook-and-line gear that involves a single line anchored at the bottom and buoyed at the surface so as to fish vertically.

(6) Double-bar mesh. Two lengths of twine tied into a single knot.

(7) Double-walled codend. A codend constructed of two walls of webbing.

(8) Fixed gear (anchored nontrawl gear). Longline, trap or pot, set net, and stationary hook-and-line (including commercial vertical hook-and-line) gears.

(9) Gillnet. (See § 600.10).

(10) Hook-and-line. One or more hooks attached to one or more lines. It may be stationary (commercial vertical hook-and-line) or mobile (troll).

(11) Longline. A stationary, buoyed, and anchored groundline with hooks attached, so as to fish along the seabed. It does not include commercial vertical hook-and-line or troll gear.

(12) Mesh size. The opening between opposing knots. Minimum mesh size means the smallest distance allowed between the inside of one knot to the inside of the opposing knot, regardless of twine size.

(13) Nontrawl gear. All legal commercial groundfish gear other than trawl gear.

(14) Pelagic (midwater or off-bottom) trawl. A trawl in which the otter boards may be in contact with the seabed but the footrope of the net remains above the seabed. It includes pair trawls if fished in midwater. A pelagic trawl has no rollers or bobbins on the net.

(15) Pot. A trap.

(16) Roller trawl (bobbin trawl). A trawl with footropes equipped with rollers or bobbins made of wood, steel, rubber, plastic, or other hard material that keep the footrope above the seabed, thereby protecting the net. A roller trawl is a type of bottom trawl.

(17) Set net. A stationary, buoyed, and anchored gillnet or trammel net.

(18) Single-walled codend. A codend constructed of a single wall of webbing knitted with single or double-bar mesh.

(19) Spear. A sharp, pointed, or barbed instrument on a shaft.

(20) Trammel net. A gillnet made with two or more walls joined to a common float line.

(21) Trap (or pot). A portable, enclosed device with one or more gates or entrances and one or more lines attached to surface floats.

(22) Trawl riblines. Heavy rope or line that runs down the sides, top, or underside of a trawl net from the mouth of the net to the terminal end of the codend to strengthen the net during fishing.

Fishing trip is a period of time between landings when fishing is conducted.

Fishing year is the year beginning at 0801 GMT (0001 local time) on January 1 and ending at 0800 GMT on January 1 (2400 local time on December 31).

Groundfish means species managed by the PCGFMP, specifically:

Sharks:

leopard shark, *Triakis semifasciata*

southern shark, *Galeorhinus galeus*

spiny dogfish, *Squalus acanthias*

Skates:

big skate, *Raja binocularata*

California skate, *R. inornata*

longnose skate, *R. rhina*

Ratfish:

ratfish, *Hydrolagus collieri*

Morids:

finescale codling, *Antimora microlepis*

Grenadiers:

Pacific rattail, *Coryphaenoides acrolepis*

Roundfish:

cabezon, *Scorpaenichthys marmoratus*

jack mackerel (north of 39 deg. N. lat.), *Trachurus symmetricus*

kelp greenling, *Hexagrammos decagrammus*

lingcod, *Ophiodon elongatus*

Pacific cod, *Gadus macrocephalus*

Pacific whiting, *Merluccius productus*

sablefish, *Anoplopoma fimbria*

Rockfish:

aurora rockfish, *Sebastes aurora*

bank rockfish, *S. rufus*

black rockfish, *S. melanops*

black and yellow rockfish, *S. chrysomelas*

blackgill rockfish, *S. melanostomus*

blue rockfish, *S. mystinus*

bocaccio, *S. paucispinis*

bronzespotted rockfish, *S. gilli*

brown rockfish, *S. auriculatus*

calico rockfish, *S. dalli*

California scorpionfish, *Scorpaena guttata*

canary rockfish, *Sebastes pinniger*

chilipepper, *S. goodei*

China rockfish, *S. nebulosus*

copper rockfish, *S. caurinus*

cowcod, *S. levis*

darkblotched rockfish, *S. crameri*

dusty rockfish, *S. ciliatus*

flag rockfish, *S. rubrivinctus*

gopher rockfish, *S. carnatus*

grass rockfish, *S. rastrelliger*

greenblotched rockfish, *S. rosenblatti*

greenspotted rockfish, *S. chlorostictus*

greenstriped rockfish, *S. elongatus*  
 harlequin rockfish, *S. variegatus*  
 honeycomb rockfish, *S. umbrosus*  
 kelp rockfish, *S. atrovirens*  
 longspine thornyhead, *Sebastolobus altivelis*  
 Mexican rockfish, *Sebastes macdonaldi*  
 olive rockfish, *S. serranoides*  
 Pacific ocean perch, *S. alutus*  
 pink rockfish, *S. eos*  
 quillback rockfish, *S. maliger*  
 redbanded rockfish, *S. babcocki*  
 redstripe rockfish, *S. proriger*  
 rosethorn rockfish, *S. helvomaculatus*  
 rosy rockfish, *S. rosaceus*  
 rougheye rockfish, *S. aleutianus*  
 sharpchin rockfish, *S. zacentrus*  
 shortbelly rockfish, *S. jordani*  
 shortraker rockfish, *S. borealis*  
 shortspine thornyhead, *Sebastolobus alascanus*  
 silvergray rockfish, *Sebastes brevispinis*  
 speckled rockfish, *S. ovalis*  
 splitnose rockfish, *S. diploproa*  
 squarespot rockfish, *S. hopkinsi*  
 starry rockfish, *S. constellatus*  
 stripetail rockfish, *S. saxicola*  
 tiger rockfish, *S. nigrocinctus*  
 treefish, *S. serriceps*  
 vermilion rockfish, *S. miniatus*  
 widow rockfish, *S. entomelas*  
 yelloweye rockfish, *S. ruberrimus*  
 yellowmouth rockfish, *S. reedi*  
 yellowtail rockfish, *S. flavidus*

All genera and species of the family Scorpaenidae that occur off Washington, Oregon, and California are included, even if not listed above. The Scorpaenidae genera are *Sebastes*, *Scorpaena*, *Scorpaenodes*, and *Sebastolobus*.

#### Flatfish:

arrowtooth flounder (arrowtooth turbot), *Atheresthes stomias*  
 butter sole, *Isopsetta isolepis*  
 curlfin sole, *Pleuronichthys decurrens*  
 Dover sole, *Microstomus pacificus*

English sole, *Parophrys vetulus*  
flathead sole, *Hippoglossoides elassodon*  
Pacific sanddab, *Citharichthys sordidus*  
petrale sole, *Eopsetta jordani*  
rex sole, *Glyptocephalus zachirus*  
rock sole, *Lepidopsetta bilineata*  
sand sole, *Psettichthys melanostictus*  
starry flounder, *Platichthys stellatus*

Groundfish trawl means trawl gear that is used under the authority of a valid limited entry permit issued under this subpart endorsed for trawl gear. It does not include any type of trawl gear listed as "exempted gear."

Harvest guideline means a specified numerical harvest objective that is not a quota. Attainment of a harvest guideline does not require closure of a fishery.

Incidental catch or incidental species means groundfish species caught while fishing for the primary purpose of catching a different species.

Land or landing means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are counted as part of the landing.

Length overall (LOA) (with respect to a vessel) means the length overall set forth in the Certificate of Documentation (CG-1270) issued by the USCG for a documented vessel, or in a registration certificate issued by a state or the USCG for an undocumented vessel; for vessels that do not have the LOA stated in an official document, the LOA is the LOA as determined by the USCG or by a marine surveyor in accordance with the USCG method for measuring LOA.

Limited entry fishery means the fishery composed of vessels using trawl gear, longline, and trap (or pot) gear fished pursuant to the harvest guidelines, quotas, and other management measures governing the limited entry fishery.

Limited entry gear means longline, trap (or pot), or groundfish trawl gear used under the authority of a valid limited entry permit affixed with an endorsement for that gear.

Limited entry permit means the permit required to participate in the limited entry fishery, and includes the gear endorsements affixed to the permit unless specified otherwise.

Open access fishery means the fishery composed of vessels using exempted gear, and longline and trap (or pot) gear fished pursuant to the harvest guidelines, quotas, and other management measures governing the open access fishery.

Open access gear means all types of fishing gear except:



(1) Longline or trap (or pot) gear fished by a vessel that has a limited entry permit affixed with a gear endorsement for that gear.

(2) Trawl gear.

Owner of a vessel or vessel owner, as used in this subpart, means a person identified as the current owner in the Certificate of Documentation (CG-1270) issued by the USCG for a documented vessel, or in a registration certificate issued by a state or the USCG for an undocumented vessel.

Pacific Coast Groundfish Fishery Management Plan (PCGFMP) means the Fishery Management Plan for the Washington, Oregon, and California Groundfish Fishery developed by the Pacific Fishery Management Council and approved by the Secretary on January 4, 1982, and as it may be subsequently amended.

Permit holder means a permit owner or a permit lessee.

Permit lessee means a person who has the right to possess and use a limited entry permit for a designated period of time, with reversion to the permit owner.

Permit owner means a person who owns a limited entry permit.

Person, as it applies to limited entry and open access fisheries conducted under this subpart, means any individual, corporation, partnership, association or other entity (whether or not organized or existing under the laws of any state), and any Federal, state, or local government, or any entity of any such government that is eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a).

Processing or to process means the preparation or packaging of groundfish to render it suitable for human consumption, industrial uses or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, filleting, freezing, or rendering into meal or oil, but does not mean heading and gutting unless additional preparation is done.

Prohibited species means those species and species groups whose retention is prohibited unless authorized by other applicable law (for example, to allow for examination by an authorized observer or to return tagged fish as specified by the tagging agency).

Quota means a specified numerical harvest objective, the attainment (or expected attainment) of which causes closure of the fishery for that species or species group.

Recreational fishing means fishing with authorized recreational fishing gear for personal use only, and not for sale or barter.

Regional Administrator means the Administrator, Northwest Region, NMFS. For fisheries

occurring primarily or exclusively in the fishery management area seaward of California,  
``Regional Administrator" means the Administrator, Northwest Region, NMFS, acting upon the recommendation of the Administrator, Southwest Region, NMFS.

Reserve means a portion of the harvest guideline or quota set aside at the beginning of the year to allow for uncertainties in preseason estimates of DAP and JVP.

Round weight (See § 600.10).

Shoreside processing means processing that takes place in a facility that is fixed permanently to land.

Specification is a numerical or descriptive designation of a management objective, including but not limited to: ABC; harvest guideline; quota; limited entry or open access allocation; a set aside or allocation for a recreational or treaty Indian fishery; an apportionment of the above to an area, gear, season, fishery, or other subdivision; DAP, DAH, JVP, TALFF, or incidental bycatch allowances in foreign or joint venture fisheries.

Sustainable Fisheries Division (SFD) means the Chief, Sustainable Fisheries Division, Northwest Regional Office, NMFS, or a designee. {added at 63 FR 34606, June 25, 1998, corrected at 63 FR 40067, July 27, 1998}

Target fishing means fishing for the primary purpose of catching a particular species or species group (the target species).

Totally lost means the vessel being replaced no longer exists in specie, or is absolutely and irretrievably sunk or otherwise beyond the possible control of the owner, or the costs of repair (including recovery) would exceed the repaired value of the vessel.

Trip limit means the total allowable amount of a groundfish species or species complex by weight, or by percentage of weight of fish on board the vessel, that may be taken and retained, possessed, or landed from a single fishing trip.

#### § 660.303 Reporting and recordkeeping.

(a) This subpart recognizes that catch and effort data necessary for implementing the PCGFMP are collected by the States of Washington, Oregon, and California under existing state data collection requirements. Telephone surveys of the domestic industry will be conducted biannually by NMFS to determine amounts of fish that will be made available to foreign fishing and JVP. No additional Federal reports are required of fishers or processors, so long as the data collection and reporting systems operated by state agencies continue to provide NMFS with statistical information adequate for management.

(b) Any person who is required to do so by the applicable state law must make and/or file, retain, or make available any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable state law.

(c) Any person landing groundfish must retain on board the vessel from which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings containing all data, and in the exact manner, required by the applicable state law throughout the cumulative limit period during which a landing occurred and for 15 days thereafter. {added at 63 FR 34606, June 25, 1998}

§ 660.304 Management areas.

(a) Vancouver.

(1) The northeastern boundary is that part of a line connecting the light on Tatoosh Island, WA, with the light on Bonilla Point on Vancouver Island, British Columbia (at 48 deg.35'75" N. lat., 124 deg.43'00" W. long.) south of the International Boundary between the U.S. and Canada (at 48 deg.29'37.19" N. lat., 124 deg.43'33.19" W. long.), and north of the point where that line intersects with the boundary of the U.S. territorial sea.

(2) The northern and northwestern boundary is a line connecting the following coordinates in the order listed, which is the provisional international boundary of the EEZ as shown on NOAA/NOS Charts #18480 and #18007:

Point	N. lat.	W. long.
1.....	48 deg.29'37.19"	124 deg.43'33.19"
2.....	48 deg.30'11"	124 deg.47'13"
3.....	48 deg.30'22"	124 deg.50'21"
4.....	48 deg.30'14"	124 deg.54'52"
5.....	48 deg.29'57"	124 deg.59'14"
6.....	48 deg.29'44"	125 deg.00'06"
7.....	48 deg.28'09"	125 deg.05'47"
8.....	48 deg.27'10"	125 deg.08'25"
9.....	48 deg.26'47"	125 deg.09'12"
10.....	48 deg.20'16"	125 deg.22'48"
11.....	48 deg.18'22"	125 deg.29'58"
12.....	48 deg.11'05"	125 deg.53'48"
13.....	47 deg.49'15"	126 deg.40'57"
14.....	47 deg.36'47"	127 deg.11'58"
15.....	47 deg.22'00"	127 deg.41'23"
16.....	46 deg.42'05"	128 deg.51'56"
17.....	46 deg.31'47"	129 deg.07'39"

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(3) The southern limit is 47 deg.30' N. lat.

(b) Columbia.

(1) The northern limit is 47 deg.30' N. lat.

(2) The southern limit is 43 deg.00' N. lat.

(c) Eureka.

(1) The northern limit is 43 deg.00' N. lat.

(2) The southern limit is 40 deg.30' N. lat.

(d) Monterey.

(1) The northern limit is 40 deg.30' N. lat.

(2) The southern limit is 36 deg.00' N. lat.

(e) Conception.

(1) The northern limit is 36 deg.00' N. lat.

(2) The southern limit is the U.S.-Mexico International Boundary, which is a line connecting the following coordinates in the order listed:

Point	N. lat.	W. long.
1.....	32 deg.35'22"	117 deg.27'49"
2.....	32 deg.37'37"	117 deg.49'31"
3.....	31 deg.07'58"	118 deg.36'18"
4.....	30 deg.32'31"	121 deg.51'58"

(f) International boundaries.

(1) Any person fishing subject to this subpart is bound by the international boundaries described in this section, notwithstanding any dispute or negotiation between the United States and any neighboring country regarding their respective jurisdictions, until such time as new boundaries are established or recognized by the United States.

(2) The inner boundary of the fishery management area is a line coterminous with the seaward boundaries of the States of Washington, Oregon, and California (the ``3-mile limit").

(3) The outer boundary of the fishery management area is a line drawn in such a manner that each point on it is 200 nm from the baseline from which the territorial sea is measured, or is a provisional or permanent international boundary between the United States and Canada or Mexico.

§ 660.305 Vessel identification.

(a) Display. The operator of a vessel that is over 25 ft (7.6 m) in length and is engaged in commercial fishing for groundfish must display the vessel's official number on the port and starboard sides of the deckhouse or hull, and on a weather deck so as to be visible from above. The number must contrast with the background and be in block Arabic numerals at least 18 inches (45.7 cm) high for vessels over 65 ft (19.8 m) long and at least 10 inches (25.4 cm) high for vessels between 25 and 65 ft (7.6 and 19.8 m) in length. The length of a vessel for purposes of this section is the length set forth in USCG records or in state records, if no USCG record exists.

(b) Maintenance of numbers. The operator of a vessel engaged in commercial fishing for groundfish must keep the identifying markings required by paragraph (a) of this section clearly legible and in good repair, and must ensure that no part of the vessel, its rigging, or its fishing gear obstructs the view of the official number from an enforcement vessel or aircraft.

(c) Commercial passenger vessels. This section does not apply to vessels carrying fishing parties on a per-capita basis or by charter.

§ 660.306 Prohibitions.

In addition to the general prohibitions specified in § 600.725 of this chapter, it is unlawful for any person to:

(a) Sell, offer to sell, or purchase any groundfish taken in the course of recreational groundfish fishing.

(b) Retain any prohibited species (defined in § 660.302) caught by means of fishing gear authorized under this subpart or unless authorized by part 600 of this chapter. Prohibited species must be returned to the sea as soon as practicable with a minimum of injury when caught and brought on board.

(c) Falsify or fail to affix and maintain vessel and gear markings as required by § 660.305 or § 660.322(c).

(d) Fish for groundfish in violation of any terms or conditions attached to an EFP under part 600.745.

(e) Fish for groundfish using gear not authorized under § 660.322 or in violation of any terms or conditions attached to an EFP under part 600.745.

(f) Take and retain, possess, or land more groundfish than specified under § 660.321, § 660.323, or under an EFP issued under part 600 of this chapter.

(g) Falsify or fail to make and/or file, retain or make available any and all reports of groundfish landings, containing all data, and in the exact manner, required by the applicable State law, as specified in § 660.303, provided that person is required to do so by the applicable state law.

(h) Fail to sort, prior to the first weighing after offloading, those groundfish species or species groups for which there is a trip limit, size limit, quota, or harvest guideline, if the vessel fished or landed in an area during a time when such trip limit, size limit, harvest guideline or quota applied. {revised at 63 FR 34606, June 25, 1998}

(i) Possess, deploy, haul, or carry onboard a fishing vessel subject to these regulations a set net, trap or pot, longline, or commercial vertical hook-and-line that is not in compliance with the gear restrictions in § 660.322, unless such gear is the gear of another vessel that has been retrieved at sea and made inoperable or stowed in a manner not capable of being fished. The disposal at sea of such gear is prohibited by Annex V of the International Convention for the Prevention of Pollution From Ships, 1973 (Annex V of MARPOL 73/78).

(j) Process whiting in the fishery management area during times or in areas where at-sea processing is prohibited for the sector in which the vessel participates, unless: {revised at 62 FR 27519, May 20, 1997}

(1) The fish are received from a member of a Pacific Coast treaty Indian tribe fishing under § 660.324; {corrected at 61 FR 48643, Sept. 16, 1996; revised at 62 FR 27519, May 20, 1997}

(2) The fish are processed by a waste-processing vessel according to § 660.323(a)(4)(vii); or {added at 62 FR 27519, May 20, 1997}

(3) The vessel is completing processing of whiting taken on board during that vessel's primary season. {added at 62 FR 27519, May 20, 1997}

(k) Take and retain or receive, except as cargo or fish waste, whiting on a vessel in the fishery management area that already possesses processed whiting on board, during times or in areas where at-sea processing is prohibited for the sector in which the vessel participates, unless the fish are received from a member of a Pacific Coast treaty Indian tribe fishing under § 660.324. {revised at 62 FR 27519, May 20, 1997}

(l) Have onboard a commercial hook-and-line fishing vessel (other than a vessel operated by persons under § 660.323(b)(1)(ii)), more than the amount of the trip limit set for black rockfish by § 660.323 while that vessel is fishing between the U.S.-Canada border and Cape Alava (48 deg.09'30" N. lat.), or between Destruction Island (47 deg.40'00" N. lat.) and Leadbetter Point (46 deg.38'10" N. lat.).

(m) Fish with groundfish trawl gear, or carry groundfish trawl gear on board a vessel that also has groundfish on board, without having a limited entry permit valid for that vessel affixed with a gear endorsement for trawl gear, with the following exception. A vessel with groundfish on board may carry trawl gear if: {revised at 62 FR 27519, May 20, 1997}

(1) The vessel is in continuous transit from outside the fishery management area to a port in

Washington, Oregon, or California; or {added at 62 FR 27519, May 20, 1997}

(2) The vessel is a mothership, in which case trawl nets and doors must be stowed in a secured and covered manner, and detached from all towing lines, so as to be rendered unusable for fishing. {added at 62 FR 27519, May 20, 1997}

(n) Fail to carry onboard a vessel that vessel's limited entry permit if required.

(o) Make a false statement on an application for issuance, renewal, transfer, vessel registration, or replacement of a limited entry permit.

(p) Take and retain, possess, or land groundfish in excess of the landing limit for the open access fishery without having a valid limited entry permit for the vessel affixed with a gear endorsement for the gear used to catch the fish.

(q) Carry on board a vessel, or deploy, limited entry gear when the limited entry fishery for that gear is closed, except a vessel may carry on board limited entry gear as provided in paragraph (m) of this section. {revised at 62 FR 27519, May 20, 1997}

(r) Refuse to submit fishing gear or fish subject to such person's control to inspection by an authorized officer, or to interfere with or prevent, by any means, such an inspection. {revised at 62 FR 27519, May 20, 1997}

(s) During the "regular" or "mop-up" season described in § 660.323(a)(2)(iii) and (iv), take and retain, possess or land sablefish taken and retained north of 36° N. lat., with longline or trap (or pot) gear, by a vessel with a limited entry permit registered for use with that vessel and endorsed for longline or trap (or pot) gear, that does not have a sablefish endorsement. {added at 62 FR 34670, June 27, 1997}

(t) During the "regular" or "mop-up" season described in § 660.323(a)(2)(iii) and (iv), take and retain, possess or land sablefish taken and retained north of 36° N. lat., with open access gear, by a vessel with a limited entry permit registered for use with that vessel and endorsed for longline or trap (or pot) gear, that does not have a sablefish endorsement. {added at 62 FR 34670, June 27, 1997}

(u) Participate in the mothership or shoreside sector as a catcher vessel that does not process fish, if that vessel operates in the same calendar year as a catcher/processor in the whiting fishery, according to § 660.323(a)(4)(ii)(B). {added at 62 FR 27519, May 20, 1997}

(v) Operate as a waste-processing vessel within 48 hours of a primary season for whiting in which that vessel operates as a catcher/processor or mothership, according to § 660.323(a)(4)(vii). {added at 62 FR 27519, May 20, 1997}

(w) Fail to keep the trawl doors on board the vessel and attached to the trawls on a vessel

used to fish for whiting, when taking and retention is prohibited under § 660.323(a)(3)(v).  
{added at 62 FR 27519, May 20, 1997}

(x) Fail to retain on board a vessel from which groundfish is landed, and provide to an authorized officer upon request, copies of any and all reports of groundfish landings, or receipts containing all data, and made in the exact manner required by the applicable state law throughout the cumulative limit period during which such landings occurred and for 15 days thereafter.  
{added at 63 FR 34606, June 25, 1998}

(y) Fish for groundfish in violation of any terms or conditions attached to an EFP under § 660.350. {added at 63 FR 26614, July 7, 1998, effective July 1, 1998 through January 4, 1999}

#### § 660.321 Specifications and management measures.

(a) General. NMFS will establish and adjust specifications and management measures annually and during the fishing year. Management of the Pacific Coast groundfish fishery will be conducted consistent with the standards and procedures in the PCGFMP and other applicable law. The PCGFMP is available from the Regional Director [Regional Administrator] or the Council.

(b) Annual actions. The Pacific Coast groundfish fishery is managed on a calendar year basis. Even though specifications and management measures are announced annually, they may apply for more than 1 year. In general, management measures are designed to achieve, but not exceed, the specifications, particularly harvest guidelines, limited entry and open access allocations, or other approved fishery allocations. Annual specifications and management measures are developed at two Council meetings and published in the Federal Register at the beginning of the year, according to the standards and procedures in the PCGFMP and other applicable law.

(c) Routine management measures. Management measures designated "routine" at § 660.323(b) may be adjusted during the year after recommendation from the Council, approval by NMFS, and publication in the Federal Register.

(d) Changes to the regulations. Regulations under this subpart may be promulgated, removed, or revised. Any such action will be made according to the framework standards and procedures in the PCGFMP and other applicable law, and will be published in the Federal Register.

#### § 660.322 Gear restrictions.

(a) General. The following types of fishing gear are authorized, with the restrictions set forth in this section: Trawl (bottom and pelagic), hook-and-line, longline, pot or trap, set net (anchored gillnet or trammel net), and spear.



(b) Trawl gear--

(1) Use. Trawl nets may be used on and off the seabed. Trawl nets may be fished with or without otter boards, and may use warps or cables to herd fish.

(2) Mesh size. Trawl nets may be used if they meet the minimum mesh sizes set forth in this paragraph (b)(2). The minimum sizes apply throughout the net. Minimum trawl mesh size requirements are met if a 20-gauge stainless steel wedge, 3.0 or 4.5 inches (7.6 or 11.4 cm) (depending on the gear being measured), less one thickness of the metal wedge, can be passed with only thumb pressure through at least 16 of 20 sets of two meshes each of wet mesh.

Minimum Trawl-Mesh Size In Inches \1\

Trawl conception type	Subarea			
	Vancouver	Columbia	Eureka	Monterey
Bottom.....	4.5	4.5	4.5	4.5
Pelagic.....	3.0	3.0	3.0	3.0

\1\ Metric conversion: 3.0 inches = 7.6 cm; 4.5 inches = 11.4 cm.

(3) Chafing gear. Chafing gear may encircle no more than 50 percent of the net's circumference, except as provided in paragraph (b)(5) of this section. No section of chafing gear may be longer than 50 meshes of the net to which it is attached. Except at the corners, the terminal end of each section of chafing gear must not be connected to the net. (The terminal end is the end farthest from the mouth of the net.) Chafing gear must be attached outside any riblines and restraining straps. There is no limit on the number of sections of chafing gear on a net.

(4) Codends. Only single-walled codends may be used in any trawl. Double-walled codends are prohibited.

(5) Pelagic trawls. Pelagic trawl nets must have unprotected footropes at the trawl mouth, and must not have rollers, bobbins, tires, wheels, rubber discs, or any similar device anywhere in the net. Sweepstakes, including the bottom leg of the bridle, must be bare. For at least 20 ft (6.15 m) immediately behind the footrope or headrope, bare ropes or mesh of 16-inch (40.6-cm) minimum mesh size must completely encircle the net. A band of mesh (a ``skirt") may encircle the net under transfer cables, lifting or splitting straps (chokers), but must be: Over riblines and restraining straps; the same mesh size and coincide knot-to-knot with the net to which it is attached; and no wider than 16 meshes.

(c) Fixed gear.

(1) Fixed gear (longline, trap or pot, set net and stationary hook-and-line gear, including commercial vertical hook-and-line gear) must be:

(i) Marked at the surface, at each terminal end, with a pole, flag, light, radar reflector, and a buoy, except as provided in paragraph (c)(2) of this section.

(ii) Attended at least once every 7 days.

(2) Commercial vertical hook-and-line gear that is closely tended may be marked only with a single buoy of sufficient size to float the gear. ``Closely tended" means that a vessel is within visual sighting distance or within 0.25 nm (463 m) as determined by electronic navigational equipment, of its commercial vertical hook-and-line gear.

(3) A buoy used to mark fixed gear under paragraph (c)(1)(i) or (c)(2) of this section must be marked with a number clearly identifying the owner or operator of the vessel. The number may be either:

(i) If required by applicable state law, the vessel's number, the commercial fishing license number, or buoy brand number; or

(ii) The vessel documentation number issued by the USCG, or, for an undocumented vessel, the vessel registration number issued by the state.

(d) Set nets. Fishing for groundfish with set nets is prohibited in the fishery management area north of 38 deg.00' N. lat.

(e) Traps or pots. Traps must have biodegradable escape panels constructed with # 21 or smaller untreated cotton twine in such a manner that an opening at least 8 inches (20.3 cm) in diameter results when the twine deteriorates.

(f) Recreational fishing. The only types of fishing gear authorized for recreational fishing are hook-and-line and spear.

(g) Spears. Spears may be propelled by hand or by mechanical means.

#### § 660.323 Catch restrictions.

(a) Groundfish species harvested in the territorial sea (0-3 nm) will be counted toward the catch limitations in this section.

(1) Black rockfish. The trip limit for black rockfish (*Sebastes melanops*) for commercial fishing vessels using hook-and-line gear between the U.S.-Canada border and Cape Alava (48 deg.09'30" N. lat.), and between Destruction Island (47 deg.40' N. lat.) and Leadbetter Point (46 deg.38'10" N. lat.), is 100 lbs (45 kg) or 30 percent, by weight of all fish on board, whichever is greater, per vessel per fishing trip.

(2) Nontrawl sablefish. This paragraph (a)(2) applies to the regular and mop-up seasons for the nontrawl limited entry sablefish fishery north of 36° N. lat., except for paragraphs (a)(2)(ii), (iv), and (vii) of this section, which also apply to the open access fishery north of 36° N. lat. Limited entry and open access fixed gear sablefish fishing south of 36° N. lat. is governed by routine management measures imposed under paragraph (b) of this section. {This par. (2) was

corrected at 61 FR 37843, Jul 22, 1996; revised at 62 FR 34670, June 27, 1997; totally replaced at 62 FR 45350, August 27, 1997; revised at 63 FR 38101, July 15, 1998}

(i) Sablefish endorsement. A vessel may not participate in the regular or mop-up season for the nontrawl limited entry fishery, unless the vessel's owner holds (by ownership or otherwise) a limited entry permit for that vessel, affixed with both a gear endorsement for longline or trap (or pot) gear, and a sablefish endorsement. {62 FR 45350, August 27, 1997; revised at 63 FR 38101, July 15, 1998}

(ii) Pre-season closure—open access and limited entry fisheries. {62 FR 45350, August 27, 1997; revised at 63 FR 38101, July 15, 1998}

(A) Sablefish taken with fixed gear in the limited entry or open access fishery in the EEZ may not be retained or landed during the 48 hours immediately before the start of the regular season for the nontrawl limited entry sablefish fishery. {62 FR 45350, August 27, 1997; revised at 63 FR 38101, July 15, 1998}

(B) All fixed gear used to take and retain groundfish must be out of EEZ waters during the 48 hours immediately before the opening of the regular season for the nontrawl limited entry sablefish fishery. {62 FR 45350, August 27, 1997; revised at 63 FR 38101, July 15, 1998}

(iii) Regular season--nontrawl limited entry sablefish fishery. (A) The Regional Administrator will announce a season for waters north of 36° N. lat. to start on any day from August 1 through September 30, based on consultations with the Council, taking into account tidal conditions, Council meeting dates, alternative fishing opportunities, and industry comments. {63 FR 38101, July 15, 1998}

(B) During the regular season, each vessel with a limited entry permit with a sablefish endorsement that is registered for use with that vessel may land up to the cumulative trip limit announced for the tier to which the permit is assigned. Each permit will be assigned to one of three tiers. A cumulative trip limit is the maximum amount of sablefish that may be taken and retained, possessed, or landed per vessel in a specified period of time, with no limit on the number of landings or trips. {63 FR 38101, July 15, 1998}

(C) The Regional Administrator will annually calculate the length of the regular season and the size of the cumulative trip limit for each tier in accordance with the process specified in chapter 1 of the EA/RIR/IRFA for "Fixed Gear Sablefish Tiered Cumulative Limits," dated February 1998, which is available from the Council. The season length and the size of the cumulative trip limits will vary depending on the amount of sablefish available for the regular and mop-up fisheries and the projected harvest for the fishery. The season will be set to be as long as possible, under the constraints described in chapter 1 of the EA/RIR/IRFA, up to a maximum season length of 10 days. {63 FR 38101, July 15, 1998}

(D) During the regular and mop-up season, limited entry nontrawl sablefish fishers may also be subject to trip limits to protect juvenile sablefish. {63 FR 38101, July 15, 1998}

(E) There will be no limited entry, daily trip limit fishery during the regular season. {63 FR 38101, July 15, 1998}

(iv) Post-season closure—limited entry and open access.  
No sablefish taken with fixed gear north of 36° N. lat. during the 30 hours immediately after the end of the regular season for the nontrawl limited entry sablefish fishery, may be retained. Sablefish taken and retained during the regular season may be possessed and landed during the

30-hour period. Gear may remain in water during the 30-hour post-season closure. Fishers may not set or pull from the water fixed gear used to take and retain groundfish during the 30-hour post-season closure. {62 FR 45350, August 27, 1997; revised at 63 FR 38101, July 15, 1998}

(v) Mop-up season—limited entry fishery. {62 FR 45350, August 27, 1997} A mop-up season to take the remainder of the limited entry nontrawl allocation will begin in waters north of 36° N. lat. about 3 weeks, or as soon as practicable, after the end of the regular season. During the mop-up fishery, a cumulative trip limit will be imposed. A cumulative trip limit is the maximum amount of sablefish that may be taken and retained, possessed, or landed per vessel in a specified period of time, with no limit on the number of landings or trips. The length of the mop-up season and the amount of the cumulative trip limit, will be determined by the Regional Administrator in consultation with the Council or its designees, and will be based primarily on the amount of fish remaining in the limited entry nontrawl allocation, the amount of sablefish needed for the remainder of the daily trip limit fishery, and the number of mop-up participants anticipated. The Regional Administrator may determine that too little of the nontrawl allocation remains to conduct an orderly or manageable fishery, in which case there will not be a mop-up season. There will be no limited entry daily trip limit fishery during the mop-up season. {62 FR 45350, August 27, 1997; revised at 63 FR 38101, July 15, 1998}

(vi) Other announcements. The dates and times that the regular season starts and ends (and trip limits on sablefish of all sizes are resumed), the size of the cumulative trip limits for the three tiers in the regular fishery, the dates and times for the 30-hour post-season closure, the dates and times that the mop-up season begins and ends, and the size of the cumulative trip limit for the mop-up fishery will be announced in the Federal Register, and may be modified. Unless otherwise announced, these seasons will begin and end at 12 noon on the specified date. {62 FR 45350, August 27, 1997; revised at 63 FR 38101, July 15, 1998}

(vii) Trip limits. Trip and/or frequency limits may be imposed in the limited entry fishery before and after the regular season, and after the mop-up season, under paragraph (b) of this section. Trip and/or size limits to protect juvenile sablefish in the limited entry or open-access fisheries also may be imposed at any time under paragraph (b) of this section. Trip limits may be imposed in the open-access fishery at any time under paragraph (b) of this section. {63 FR 38101, July 15, 1998}

(3) Pacific whiting (whiting)--{revised at 62 FR 27519, May 20, 1997}

(i) Seasons. The primary seasons for the whiting fishery are: For the shore-based sector, the period(s) when the large-scale target fishery is conducted (when trip limits under paragraph (b) of this section are not in effect); for catcher/processors, the period(s) when at-sea processing is allowed and the fishery is open for the catcher/processor sector; and for vessels delivering to motherships, the period(s) when at-sea processing is allowed and the fishery is open for the mothership sector. Before and after the primary seasons, trip landing or frequency limits may be imposed under paragraph (b) of this section. The sectors are defined at paragraph (a)(4) of this section. {revised at 62 FR 27519, May 20, 1997}

(A) North of 40°30' N. lat. Different starting dates may be established for the catcher/processor sector, the mothership sector, catcher vessels delivering to shoreside processors north of 42° N. lat., and catcher vessels delivering to shoreside processors between 42°-40°30' N.

lat. {added at 62 FR 27519, May 20, 1997}

(1) Procedures. The primary seasons for the whiting fishery north of 40°30' N. lat. generally will be established according to the procedures of the PCGFMP for developing and implementing annual specifications and apportionments. The season opening dates remain in effect unless changed, generally with the annual specifications and management measures. {added at 62 FR 27519, May 20, 1997}

(2) Criteria. The start of a primary season may be changed based on a recommendation from the Council and consideration of the following factors, if applicable: Size of the harvest guidelines for whiting and bycatch species; age/size structure of the whiting population; expected harvest of bycatch and prohibited species; availability and stock status of prohibited species; expected participation by catchers and processors; environmental conditions; timing of alternate or competing fisheries; industry agreement; fishing or processing rates; and other relevant information. {added at 62 FR 27519, May 20, 1997}

(B) South of 40°30' N. lat. The primary season starts on April 15 south of 40°30' N. lat. {revised at 62 FR 27519, May 20, 1997}

(ii) Closed areas. Pacific whiting may not be taken and retained in the following portions of the fishery management area:

(A) Klamath River Salmon Conservation Zone. The ocean area surrounding the Klamath River mouth bounded on the north by 41 deg.38'48" N. lat. (approximately 6 nm north of the Klamath River mouth), on the west by 124 deg.23' W. long. (approximately 12 nm from shore), and on the south by 41 deg.26'48" N. lat. (approximately 6 nm south of the Klamath River mouth).

(B) Columbia River Salmon Conservation Zone. The ocean area surrounding the Columbia River mouth bounded by a line extending for 6 nm due west from North Head along 46 deg.18' N. lat. to 124 deg.13'18" W. long., then southerly along a line of 167 True to 46 deg.11'06" N. lat. and 124 deg.11' W. long. (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty.

(iii) Eureka area trip limits. Trip landing or frequency limits may be established, modified, or removed under § 660.321 or § 660.323, specifying the amount of Pacific whiting that may be taken and retained, possessed, or landed by a vessel that, at any time during a fishing trip, fished in the fishery management area shoreward of the 100-fathom (183-m) contour (as shown on NOAA Charts 18580, 18600, and 18620) in the Eureka area (from 43 deg.00' to 40 deg.30' N. lat.).

(iv) At-sea processing. Whiting may not be processed at sea south of 42 deg.00' N. lat. (Oregon-California border), unless by a waste-processing vessel as authorized under paragraph (a)(4)(vii) of this section. {revised at 62 FR 27519, May 20, 1997}

(v) Time of day. Pacific whiting may not be taken and retained by any vessel in the fishery management area south of 42 deg.00' N. lat. between 0001 hours to one-half hour after official sunrise (local time). During this time south of 42 deg.00' N. lat., trawl doors must be on board any vessel used to fish for whiting and the trawl must be attached to the trawl doors. Official sunrise is determined, to the nearest 5 deg. lat., in The Nautical Almanac issued annually by the Nautical Almanac Office, U.S. Naval Observatory, and available from the U.S. Government Printing Office.

(4) Whiting--allocation. {revised at 62 FR 27519, May 20, 1997}

(i) Sectors and allocations. The commercial harvest guideline for whiting is allocated among three sectors, as follows. {corrected at 61 FR 48643, Sept. 16, 1996; revised at 62 FR 27519, May 20, 1997}

(A) Sectors. The catcher/processor sector is composed of catcher/processors, which are vessels that harvest and process whiting during a calendar year. The mothership sector is composed of motherships and catcher vessels that harvest whiting for delivery to motherships. Motherships are vessels that process, but do not harvest, whiting during a calendar year. The shoreside sector is composed of vessels that harvest whiting for delivery to shore-based processors. {added at 62 FR 27519, May 20, 1997}

(B) Allocations. The allocations are: 34 percent for the catcher/processor sector; 24 percent for the mothership sector; and 42 percent for the shoreside sector. No more than 5 percent of the shoreside allocation may be taken and retained south of 42° N. lat. before the start of the primary season north of 42° N. lat. These allocations are harvest guidelines unless otherwise announced in the Federal Register. {added at 62 FR 27519, May 20, 1997}

(ii) Additional restrictions on catcher/processors.

(A) A catcher/processor may receive fish from a catcher vessel, but that catch is counted against the catcher/processor allocation unless the catcher/processor has been declared as a mothership under paragraph (a)(4)(ii)(C) of this section. {added at 62 FR 27519, May 20, 1997}

(B) A catcher/processor may not also act as a catcher vessel delivering unprocessed whiting to another processor in the same calendar year. {added at 62 FR 27519, May 20, 1997}

(C) When renewing its limited entry permit each year under § 660.333, the owner of a catcher/processor used to take and retain whiting must declare if the vessel will operate solely as a mothership in the whiting fishery during the calendar year to which its limited entry permit applies. Any such declaration is binding on the vessel for the calendar year, even if the permit is transferred during the year, unless it is rescinded in response to a written request from the permit holder. Any request to rescind a declaration must [be] made by the permit holder and granted in writing by the Regional Director [Regional Administrator] before any unprocessed whiting has been taken on board the vessel that calendar year. {added at 62 FR 27519, May 20, 1997}

(iii) Reaching an allocation. If the whiting harvest guideline, commercial harvest guideline, or a sector's allocation is reached, or is projected to be reached, the following action(s) for the applicable sector(s) may be taken as provided under paragraph (a)(4)(vi) of this section and will remain in effect until additional amounts are made available the next fishing year or under paragraph (a)(4)(iv) of this section. {added at 62 FR 27519, May 20, 1997}

(A) Catcher/processor sector. Further taking and retaining, receiving, or at-sea processing of whiting by a catcher/processor is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a catcher/processor may continue to process whiting that was on board before at-sea processing was prohibited. {added at 62 FR 27519, May 20, 1997}

(B) Mothership sector.

(i) Further receiving or at-sea processing of whiting by a mothership is prohibited. No additional unprocessed whiting may be brought on board after at-sea processing is prohibited, but a mothership may continue to process whiting that was on board before at-sea processing was

prohibited. {added at 62 FR 27519, May 20, 1997}

(2) Whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the mothership sector. {added at 62 FR 27519, May 20, 1997}

(C) Shoreside sector. Whiting may not be taken and retained, possessed, or landed by a catcher vessel participating in the shoreside sector except as authorized under a trip limit specified under § 660.323(b). {added at 62 FR 27519, May 20, 1997}

(D) Shoreside south of 42° N. lat. If 5 percent of the shoreside allocation for whiting is taken and retained south of 42° N. lat. before the primary season for the shoreside sector begins north of 42° N. lat., then a trip limit specified under paragraph (b) of this section may be implemented south of 42° N. lat. until the northern primary season begins, at which time the southern primary season would resume. {added at 62 FR 27519, May 20, 1997}

(iv) Reapportionments. That portion of a sector's allocation that the Regional Director [Regional Administrator] determines will not be used by the end of the fishing year shall be made available for harvest by the other sectors, if needed, in proportion to their initial allocations, on September 15 or as soon as practicable thereafter. NMFS may release whiting again at a later date to ensure full utilization of the resource. Whiting not needed in the fishery authorized under § 660.324 also may be made available. {added at 62 FR 27519, May 20, 1997}

(v) Estimates. Estimates of the amount of whiting harvested will be based on actual amounts harvested, projections of amounts that will be harvested, or a combination of the two. Estimates of the amount of Pacific whiting that will be used by shoreside processors by the end of the fishing year will be based on the best information available to the Regional Director [Regional Administrator] from state catch and landings data, the survey of domestic processing capacity and intent, testimony received at Council meetings, and/or other relevant information. {revised at 62 FR 27519, May 20, 1997}

(vi) Announcements. The Assistant Administrator will announce in the Federal Register when a harvest guideline, commercial harvest guideline, or an allocation of whiting is reached, or is projected to be reached, specifying the appropriate action being taken under paragraph (a)(4)(iii) of this section. The Regional Director [Regional Administrator] will announce in the Federal Register any reapportionment of surplus whiting to others sectors on September 15, or as soon as practicable thereafter. In order to prevent exceeding the limits or to avoid underutilizing the resource, prohibitions against further taking and retaining, receiving, or at-sea processing of whiting, or reapportionment of surplus whiting may be made effective immediately by actual notice to fishermen and processors, by phone, fax, Northwest Region computerized bulletin board (contact 206-526-6128), letter, press release, and/or U.S. Coast Guard Notice to Mariners (monitor channel 16 VHF), followed by publication in the Federal Register, in which instance public comment will be sought for a reasonable period of time thereafter. If insufficient time exists to consult with the Council, the Regional Director [Regional Administrator] will inform the Council in writing of actions taken. {revised at 62 FR 27519, May 20, 1997}

(vii) Processing fish waste at sea. A vessel that processes only fish waste (a "waste-processing vessel") is not considered a whiting processor and therefore is not subject to the allocations, seasons, or restrictions for catcher/processors or motherships while it operates as a waste-processing vessel. However, no vessel may operate as a waste-processing vessel 48 hours immediately before and after a primary season for whiting in which the vessel operates as a

catcher/processor or mothership. A vessel must meet the following conditions to qualify as a waste-processing vessel: {added at 62 FR 27519, May 20, 1997}

(A) The vessel makes mean (ground dried fish), oil, or minced (ground flesh) product, but does not make, and does not have on board, surimi (fish paste with additives), fillets (meat from the side of the fish, behind the head and in front of the tail), or headed and gutted fish (head and viscera removed). {added at 62 FR 27519, May 20, 1997}

(B) The amount of whole whiting on board does not exceed the trip limit (if any) allowed under paragraph (b) of this section. {added at 62 FR 27519, May 20, 1997}

(C) Any trawl net and doors on board are stowed in a secured and covered manner, and detached from all towing lines, so as to be rendered unusable for fishing. {added at 62 FR 27519, May 20, 1997}

(D) The vessel does not receive codends containing fish. {added at 62 FR 27519, May 20, 1997}

(E) The vessel's operations are consistent with applicable state and Federal law, including those governing disposal of fish waste at sea. {added at 62 FR 27519, May 20, 1997}

(b) Routine management measures. In addition to the catch restrictions in this section, other catch restrictions that are likely to be adjusted on an annual or more frequent basis may be imposed and announced by a single notification in the Federal Register if they first have been designated as ``routine" according to the applicable procedures in the PCGFMP. The following catch restrictions are designated as routine for the reasons given in paragraph (b)(1)(ii) of this section:

(1) Commercial-limited entry and open access fisheries--

(i) Species and gear.

(A) Widow rockfish--all gear--trip landing and frequency limits.

(B) Sebastes complex--all gear--trip landing and frequency limits.

(C) Yellowtail rockfish--all gear--trip landing and frequency limits.

(D) Pacific ocean perch--all gear--trip landing and frequency limits.

(E) Sablefish--all gear--trip landing, frequency, and size limits.

(F) Dover sole--all gear--trip landing and frequency limits.

(G) Thornyheads (shortspine thornyheads or longspine thornyheads, separately or combined)--all gear--trip landing and frequency limits.

(H) Bocaccio--all gear--trip landing and frequency limits.

(I) Pacific whiting--all gear--trip landing and frequency limits.

(J) Lingcod--all gear--trip landing and frequency limits; size limits.

(K) Canary rockfish--all gear--trip landing and frequency limits.

(L) All groundfish, separately or in any combination--any legal open access gear (including non-groundfish trawl gear used to harvest pink shrimp, spot or ridgeback prawns, California halibut or sea cucumbers in accordance with the regulations in this subpart)--trip landing and frequency limits. (Size limits designated routine in this section continue to apply.)

(ii) Reasons for ``routine" management measures. All routine management measures on commercial fisheries are intended to keep landings within the harvest levels announced by NMFS.



In addition, the following reasons apply:

(A) Trip landing and frequency limits--to extend the fishing season; to minimize disruption of traditional fishing and marketing patterns; to reduce discards; to discourage target fishing while allowing small incidental catches to be landed; to allow small fisheries to operate outside the normal season; and, for the open access fishery only, to maintain landings at the historical proportions during the 1984-88 window period.

(B) Size limits--to protect juvenile fish; to extend the fishing season.

(2) Recreational--

(i) Species and gear.

(A) Lingcod--all gear--bag and size limits.

(B) Rockfish--all gear--bag limits.

(ii) Reasons for ``routine" management measures. All routine management measures on recreational fisheries are intended to keep landings within the harvest levels announced by NMFS. In addition, the following reasons apply:

(A) Bag limits--to spread the available catch over a large number of anglers; to avoid waste; for consistency with state regulations.

(B) Size limits--to protect juvenile fish; to enhance the quality of the recreational fishing experience; for consistency with state regulations.

(c) Prohibited species. Groundfish species or species groups under the PCGFMP for which quotas have been achieved and the fishery closed are prohibited species. In addition, the following are prohibited species:

(1) Any species of salmonid.

(2) Pacific halibut.

(3) Dungeness crab caught seaward of Washington or Oregon.

#### § 660.324 Pacific Coast treaty Indian fisheries.

{corrected at 61 FR 48643, Sept. 16, 1996}

(a) Pacific Coast treaty Indian tribes have treaty rights to harvest groundfish in their usual and accustomed fishing areas in U.S. waters.

(b) For the purposes of this part, Pacific Coast treaty Indian tribes means the Hoh, Makah, and Quileute Indian Tribes and the Quinault Indian Nation.

(c) The Pacific Coast treaty Indian tribes' usual and accustomed fishing areas within the fishery management area (FMA) are set out below in paragraphs (c)(1) through (c)(4) of this section. Boundaries of a tribe's fishing area may be revised as ordered by a Federal court.

(1) Makah--That portion of the FMA north of 48 deg.02'15" N. lat. (Norwegian Memorial) and

east of 125 deg.44'00" W. long.

(2) Quileute--That portion of the FMA between 48 deg.07'36" N. lat. (Sand Point) and 47 deg.31'42" N. lat. (Queets River) and east of 125 deg.44'00" W. long.

(3) Hoh--That portion of the FMA between 47 deg.54'18" N. lat. (Quillayute River) and 47 deg.21'00" N. lat. (Quinault River) and east of 125 deg.44'00" W. long.

(4) Quinault--That portion of the FMA between 47 deg.40'06" N. lat. (Destruction Island) and 46 deg.53'18" N. lat. (Point Chehalis) and east of 125 deg.44'00" W. long.

(d) Procedures. The rights referred to in paragraph (a) of this section will be implemented by the Secretary, after consideration of the tribal request, the recommendation of the Council, and the comments of the public. The rights will be implemented either through an allocation of fish that will be managed by the tribes, or through regulations in this section that will apply specifically to the tribal fisheries. An allocation or a regulation specific to the tribes shall be initiated by a written request from a Pacific Coast treaty Indian tribe to the Regional Director [Regional Administrator], prior to the first of the Council's two annual groundfish meetings. The Secretary generally will announce the annual tribal allocation at the same time as the annual specifications. The Secretary recognizes the sovereign status and co-manager role of Indian tribes over shared Federal and tribal fishery resources. Accordingly, the Secretary will develop tribal allocations and regulations under this paragraph in consultation with the affected tribe(s) and, insofar as possible, with tribal consensus.

(e) Identification. A valid treaty Indian identification card issued pursuant to 25 CFR part 249, subpart A, is prima facie evidence that the holder is a member of the Pacific Coast treaty Indian tribe named on the card.

(f) A limited entry permit under subpart C is not required for participation in a tribal fishery described in paragraph (d) of this section.

(g) Fishing under this section by a member of a Pacific Coast treaty Indian tribe within their usual and accustomed fishing area is not subject to the provisions of other sections of this part.

(h) Any member of a Pacific Coast treaty Indian tribe must comply with this section, and with any applicable tribal law and regulation, when participating in a tribal groundfish fishery described in paragraph (d) of this section.

(i) Fishing by a member of a Pacific Coast treaty Indian tribe outside the applicable Indian tribe's usual and accustomed fishing area, or for a species of groundfish not covered by an allocation or regulation under this section, is subject to the regulations in the other sections of this part.

(j) Black rockfish. Harvest guidelines for commercial harvests of black rockfish by members of the Pacific Coast Indian tribes using hook and line gear will be established annually for the areas between the U.S.-Canadian border and Cape Alava (48 deg.09'30" N. lat.) and between

Destruction Island (47 deg.40'00" N. lat.) and Leadbetter Point (46 deg.38'10" N. lat.), in accordance with the procedures for implementing annual specifications. Pacific Coast treaty Indians fishing for black rockfish in these areas under these harvest guidelines are subject to the provisions in this section, and not to the restrictions in other sections of this part.

(k) Groundfish without a tribal allocation. Makah tribal members may use midwater trawl gear to take and retain groundfish for which there is no tribal allocation and will be subject to the trip landing and frequency and size limits applicable to the limited entry fishery.

#### 660.331 Limited entry and open access fisheries--general.

All commercial fishing for groundfish must be conducted in accordance with the regulations governing limited entry and open access fisheries, except such fishing by treaty Indian tribes as may be separately provided for.

#### § 660.332 Allocations.

(a) General. The commercial portion of the Pacific Coast groundfish fishery, excluding the treaty Indian fishery, is divided into limited entry and open access fisheries. Separate allocations for the limited entry and open access fisheries will be established annually for certain species and/or areas using the procedures described in this subpart or the PCGFMP.

(1) Limited entry allocation. The allocation for the limited entry fishery is the allowable catch (harvest guideline or quota excluding set asides for recreational or tribal Indian fisheries) minus the allocation to the open access fishery.

(2) Open access allocation. The allocation for the open access fishery is derived by applying the open access allocation percentage to the annual harvest guideline or quota after subtracting any set asides for recreational or tribal Indian fisheries. For management areas where quotas or harvest guidelines for a stock are not fully utilized, no separate allocation will be established for the open access fishery until it is projected that the allowable catch for a species will be reached.

(b) Open access allocation percentage. For each species with a harvest guideline or quota, the initial open access allocation percentage is calculated by:

(1) Computing the total catch for that species during the window period by any vessel that does not initially receive a limited entry permit.

(2) Dividing that amount by the total catch during the window period by all gear.

(3) The guidelines in this paragraph (b)(3) apply to recalculation of the open access allocation percentage. Any recalculated allocation percentage will be used in calculating the following year's open access allocation. If a gear type is prohibited by a state or the Secretary and a vessel thereby qualifies for a limited entry permit under this subpart, or if a small limited entry fleet is incorporated into the limited entry fishery under § 660.338, the window-period catch of these vessels will be deducted from the open access fishery's historical catch levels and the open access allocation percentage recalculated accordingly.

(c) Catch accounting between the limited entry and open access fisheries. Any groundfish caught by a vessel with a limited entry permit will be counted against the limited entry allocation while the limited entry fishery for that vessel's limited entry gear is open. When the fishery for a vessel's limited entry gear has closed, groundfish caught by that vessel with open access gear will be counted against the open access allocation. All groundfish caught by vessels without limited entry permits will be counted against the open access allocation.

(d) Additional guidelines. Additional guidelines governing determination of the limited entry and open access allocations are in the PCGFMP.

(e) Treaty Indian fisheries. Certain amounts of groundfish may be set aside annually for tribal fisheries prior to dividing the balance of the allowable catch between the limited entry and open access fisheries. Tribal fisheries conducted under a set-aside are not subject to the regulations governing limited entry and open access fisheries.

(f) Recreational fisheries. Recreational fishing for groundfish is outside the scope of, and not affected by, the regulations governing limited entry and open access fisheries. Certain amounts of groundfish may be specifically allocated to the recreational fishery, and will be set aside prior to dividing the commercial allocation between the commercial limited entry and open access fisheries.

#### § 660.333 Limited entry fishery-general.

(a) General. Participation in the limited entry fishery requires that the owner of a vessel hold (by ownership or otherwise) a limited entry permit affixed with a gear endorsement registered for use with that vessel for the gear being fished. A sablefish endorsement is also required for a vessel to participate in the regular and/or mop-up seasons for the nontrawl, limited entry sablefish fishery, north of 36° N. lat. There are three types of gear endorsements: "A," "Provisional A," and "Designated species B." More than one type of gear endorsement may be affixed to a limited entry permit. While the limited entry fishery is open, vessels fishing under limited entry permits may also fish with open access gear; except that during a period when the limited entry fixed gear sablefish fishery is limited to those vessels with sablefish endorsements, a longline or pot (or trap) limited entry permit holder without a sablefish endorsement may not fish for sablefish with open access gear. {revised at 62 FR 34670, June 27, 1997}

(b) Renewal of limited entry permits and gear endorsements.

(1) Limited entry permits expire at the end of each calendar year, and must be renewed between October 1 and November 30 of each year in order to remain in force the following year.

(2) Notification to renew limited entry permits will be issued by SFD prior to September 1 each year to the most recent address of the permit owner. The permit owner shall provide SFD with notice of any address change within 15 days of the change.

(3) A limited entry permit that is allowed to expire will not be renewed unless the SFD determines that failure to renew was proximately caused by the illness, injury, or death of the permit owner.

(c) Transfer and registration of limited entry permits and gear endorsements.

(1) When the SFD transfers the limited entry permit on behalf of the permit holder, the SFD will reissue the permit in the name of the new permit holder with such gear and, if applicable, species endorsements and tier assignments as are eligible for transfer with the permit. Permit transfers will take effect on the first day of the next major limited entry cumulative limit period following the date of the transfer. Transfers of permits designated as participating in the “B” platoon will become effective on the first day of the next “B” platoon major limited entry cumulative limit period following the date of the transfer. No transfer is effective until the limited entry permit has been reissued as registered with the new vessel and the permit is in the possession of the new permit holder. {revised at 62 FR 34670, June 27, 1997, revised at 63 FR 34606, June 25, 1998, see also 63 FR 38101, July 15, 1998, corrected at 63 FR 40067, July 27, 1998}

(2) A limited entry permit may not be used with a vessel unless it is registered for use with that vessel. Limited entry permits will normally be registered for use with a particular vessel at the time the permit is issued, renewed, transferred, or replaced. A permit not registered for use with a particular vessel may not be used. If the permit will be used with a vessel other than the one registered on the permit, a registration for use with the new vessel must be obtained from the SFD and placed on board the vessel before it is used under the permit. Registration of a permit to be used with a new vessel will take effect on the first day of the next major limited entry cumulative limit period following the date of the transfer. {revised at 63 FR 34606, June 25, 1998}

(3) The major limited entry cumulative limit periods will be announced in the Federal Register each year with the annual specifications and management measures, or with routine management measures when the cumulative limit periods are changed. {added at 63 FR 34606, June 25, 1998}

(4) Application forms for the transfer and registration of limited entry permits are available from the SFD (see part 600 for address of the Regional Director [Regional Administrator]). Contents of the application, and required supporting documentation, are specified in the application form. {revised at 63 FR 34606, June 25, 1998}

(5) The SFD will maintain records of all limited entry permits that have been issued, renewed, transferred, registered, or replaced. {revised at 63 FR 34606, June 25, 1998}

(d) Evidence and burden of proof. A vessel owner (or person holding limited entry rights under the express terms of a written contract) applying for issuance, renewal, replacement, transfer, or registration of a limited entry permit has the burden to submit evidence to prove that qualification requirements are met. The owner of a permit endorsed for longline or trap (or pot) gear applying for a sablefish endorsement or a tier assignment under § 660.336(c) or (d) has the burden to submit evidence to prove that qualification requirements are met. The following evidentiary standards apply: {revised at 62 FR 34670, June 27, 1997, revised at 63 FR 34606, June 25, 1998, revised at 63 FR 38101, July 15, 1998, corrected at 63 FR 40067, July 27, 1998}

(1) A certified copy of the current vessel document (USCG or state) is the best evidence of vessel ownership and LOA.

(2) A certified copy of a state fish receiving ticket is the best evidence of a landing, and of the type of gear used.

(3) A copy of a written contract reserving or conveying limited entry rights is the best evidence of reserved or acquired rights.

(4) Such other relevant, credible evidence as the applicant may submit, or the SFD or the Regional Director [Regional Administrator] request or acquire, may also be considered.

(e) Initial decisions. Initial decisions regarding issuance, renewal, transfer, and registration of limited entry permits, and endorsement upgrade, will be made by the SFD. Adverse decisions shall be in writing and shall state the reasons therefor. The SFD may decline to act on an application for issuance, renewal, transfer, or registration of a limited entry permit if the permit sanction provisions of the Magnuson Act at 16 U.S.C. 1858(a) and implementing regulations at 15 CFR part 904, subpart D, apply.

(f) Transfers. Limited entry permits are transferable as follows:

(1) The permit owner may transfer (by sale, assignment, lease, bequest, intestate succession, barter, trade, gift, or other form of conveyance) the limited entry permit to a different person. The permit holder may register the permit for use with a different vessel under the same ownership, subject to the conditions set forth in this subpart.

(2) Limited entry permits may not be transferred to a different holder or registered for use with a different vessel more than once every 12 months, except in cases of death of the permit holder or if the permitted vessel is totally lost, as defined at § 660.302. The exception for death of a permit holder applies for a permit held by a partnership or a corporation if the person or persons holding at least 50 percent of the ownership interest in the entity dies. When a permit transferred from one holder to another holder is initially "unidentified" with regard to vessel registration, or when a permit's vessel registration is otherwise "unidentified", the transaction is not considered a "transfer" for purposes of this restriction until the permit is registered for use with a specific vessel. {revised at 63 FR 34606, June 25, 1998}

(3) Gear endorsements, sablefish endorsements, and sablefish tier assignments may not be transferred separately from the limited entry permit. {revised at 63 FR 34606, June 25, 1998, revised at 63 FR 38101, July 15, 1998}

(4) Except as provided in Secs. 660.335(b), 660.336(b), and 660.337(b)(2), only "A" gear endorsements remain valid with the transfer of a limited entry permit. {revised at 63 FR 34606, June 25, 1998}

(g) Eligibility. Only a person eligible to own a documented vessel under the terms of 46 U.S.C. 12102(a) may be issued or may hold (by ownership or otherwise) a limited entry permit.

(h) Vessel size endorsements--

(1) General. The limited entry permit will be endorsed with the LOA for the size of the vessel that initially qualified for the permit, except:

(i) If the permit was initially issued under section 14.3.2.3.8 of the FMP [re pre-1991 replacement vessels qualifying for ``provisional A" permits] for a replacement vessel that was more than 5 ft (1.52 m) longer than the replaced vessel, the permit will be endorsed for the size of the replacement vessel.

(ii) If the permit was initially issued to a replacement trawl vessel that was more than 5 ft (1.52 m) shorter than the replaced vessel, it will be endorsed for the size of the smaller replacement vessel.

(iii) If the permit is registered for use with a trawl vessel that is more than 5 ft (1.52 m) shorter than the size for which the permit is endorsed, it will be endorsed for the size of the smaller vessel.

(iv) When permits are combined into one permit to be registered for use with a vessel requiring a larger size endorsement, the new permit will be endorsed for the size of the larger vessel.

(2) Limitations of size endorsements--

(i) A limited entry permit endorsed only for gear other than trawl gear may be registered for use with a vessel up to 5 ft (1.52 m) longer than, the same length as, or any length shorter than, the size endorsed on the existing permit without requiring a combination of permits under paragraph (i) of this section or a change in the size endorsement.

(ii) A limited entry permit endorsed for trawl gear may be registered for use with a vessel between 5 ft (1.52 m) shorter and 5 ft (1.52 m) longer than the size endorsed on the existing permit without requiring a combination of permits under paragraph (i) of this section or a change in the size endorsement under paragraph (h)(1)(iii) of this section.

(iii) Two or more limited entry permits with ``A" gear endorsements for the same type of limited entry gear may be combined and reissued as a single permit with a larger size endorsement. With respect to permits endorsed for nontrawl limited entry gear, a sablefish endorsement will be issued for the new permit only if all of the permits being combined have sablefish endorsements. If two or more permits with sablefish endorsements are combined, the new permit will receive the same tier assignment as the tier with the largest cumulative landings limit of the permits being combined. The vessel harvest capacity rating for each of the permits being combined is that indicated in Table 2 of this part for the LOA (in feet) endorsed on the respective limited entry permit. Harvest capacity ratings for fractions of a foot in vessel length will be determined by multiplying the fraction of a foot in vessel length by the difference in the two ratings assigned to the nearest integers of vessel length. The length rating for the combined permit is that indicated for the sum of the vessel harvest capacity ratings for each permit being combined. If that sum falls between the sums for two adjacent lengths on Table 2 of this part, the length rating shall be the higher length. {revised at 62 FR 34670, June 27, 1997, revised at 63 FR 38101, July 15, 1998}

(i) Limited entry permits indivisible. Limited entry permits may not be divided for use by more than one vessel.

§ 660.334 Limited entry permits--"A" endorsement.

(a) A limited entry permit with an "A" endorsement entitles the holder to participate in the

limited entry fishery for all groundfish species with the type(s) of limited entry gear specified in the endorsement, except for sablefish harvested north of 36° N. lat. during times and with gears for which a sablefish endorsement is required. See § 660.336 for provisions regarding sablefish endorsement requirements. {revised at 62 FR 34670, June 27, 1997}

(b) An ``A" endorsement is transferable with the limited entry permit to another person, or a different vessel under the same ownership under § 660.333.

(c) An ``A" endorsement expires on failure to renew the limited entry permit to which it is affixed (see § 660.333).

§ 660.335 Limited entry permits--"Provisional A" endorsement.

(a) A "provisional A" endorsement entitles the holder to participate in the limited entry fishery for all groundfish species with the type(s) of limited entry gear specified in the endorsement, except for sablefish harvested north of 36° N. lat. during times and with gears for which a fixed gear sablefish endorsement is required. See § 660.336 for provisions regarding sablefish endorsement requirements. {revised at 62 FR 34670, June 27, 1997}

(b) A ``provisional A" endorsement is not transferrable except as specified in the PCGFMP.

(c) The holder of a ``provisional A" endorsement must comply with the requirements set out in the PCGFMP at 14.3.2.4 in order for the permit to be upgraded to an ``A" permit.

(d) A ``provisional A" endorsement expires at the end of any of the three consecutive 365-day periods (during the 3-year qualifying period) in which a vessel's landings do not meet the applicable landing requirement or upon failure to renew the limited entry permit. A ``provisional A" endorsement that expires will not be reissued.

§ 660.336 Limited entry permits--sablefish endorsement and tier assignment.

(a) General. Participation in the limited entry fixed gear sablefish fishery during the "regular" or "mop-up" season described in § 660.323 (a)(2)(iii) and (iv) north of 36° N. lat., requires that an owner of a vessel hold (by ownership or otherwise) a limited entry permit, registered for use with that vessel, with a longline or trap (or pot) endorsement and a sablefish endorsement. During a period when the limited entry sablefish fishery is restricted to those limited entry vessels with sablefish endorsements, a vessel with a longline or pot limited entry permit but without a sablefish endorsement cannot be used to harvest sablefish in the open access fishery, even with open access gear. {revised at 62 FR 34670, June 27, 1997}

(1) A sablefish endorsement with a tier assignment will be affixed to the permit and will remain valid when the permit is transferred. {added at 62 FR 34670, June 27, 1997; revised at 63



FR 38101, July 15, 1998}

(2) A sablefish endorsement and its associated tier assignment are not separable from the limited entry permit, and therefore may not be transferred separately from the limited entry permit. {added at 62 FR 34670, June 27, 1997; revised at 63 FR 38101, July 15, 1998}

(b) Endorsement and tier assignment qualifying criteria. A sablefish endorsement will be affixed to any limited entry permit that meets the sablefish endorsement qualifying criteria and for which the owner submits a timely application. Limited entry permits with sablefish endorsements will be assigned to one of three different cumulative trip limit tiers, based on the qualifying catch history of the permit. {revised at 62 FR 34670, June 27, 1997; revised at 63 FR 38101, July 15, 1998}

(1) Permit catch history will be used to determine whether a permit meets the qualifying criteria for a fixed gear sablefish endorsement and to determine the appropriate tier assignment for endorsed permits. Permit catch history includes the catch history of the vessel(s) that initially qualified for the permit, and subsequent catch histories accrued when the limited entry permit or permit rights were associated with other vessels. The catch history of a permit also includes the catch of any interim permit held by the current owner of the permit during the appeal of an initial NMFS decision to deny the initial issuance of a limited entry permit, but only if the appeal for which an interim permit was issued was lost by the appellant, and the owner's current permit was used by the owner in the 1995 limited entry sablefish fishery. The catch history of an interim permit where the full "A" permit was ultimately granted will also be considered part of the catch history of the "A" permit. If the current permit is the result of the combination of multiple permits, then for the combined permit to qualify for an endorsement, at least one of the permits that were combined must have had sufficient sablefish history to qualify for an endorsement; or the permit must qualify based on catch occurring after it was combined, but taken within the qualifying period. If the current permit is the result of the combination of multiple permits, the combined catch histories of all of the permits that were combined to create a new permit before March 12, 1998, will be used in calculating the tier assignment for the resultant permit, together with any catch history (during the qualifying period) of the resultant permit. Only sablefish catch regulated by this part that was taken with longline or fish trap (or pot) gear will be considered for this endorsement. Sablefish harvested illegally or landed illegally will not be considered for this endorsement. {added at 62 FR 34670, June 27, 1997, revised at 63 FR 38101, July 15, 1998}

(2) The sablefish endorsement qualifying criteria are: At least 16,000 lb (7,257.5 kg) round weight of sablefish caught with longline or trap (or pot) gear in one calendar year from 1984 through 1994. All catch must be sablefish managed under this part. Sablefish taken in tribal set aside fisheries does not qualify. {added at 62 FR 34670, June 27, 1997}

(3) Only limited entry, fixed gear permits with sablefish endorsements will receive cumulative trip limit tier assignments. The qualifying criteria for Tier 1 are: At least 898,000 lb (406,794 kg) cumulative round weight of sablefish caught with longline or trap (or pot) gear over the years 1984 through 1994. The qualifying criteria for Tier 2 are: At least 380,000 lb (172,365 kg), but no more than 897,999 lb (406,793 kg) cumulative round weight of sablefish caught with longline or trap (or pot) gear over the years 1984 through 1994. Fixed gear permits with less than 380,000 lb (172,365 kg) cumulative round weight of sablefish caught with longline or trap (or

pot) gear over the years 1984 through 1994 qualify for Tier 3. All catch must be sablefish managed under this part. Sablefish taken in tribal set aside fisheries does not qualify. {added at 63 FR 38101, July 15, 1998}

(c) Issuance process for sablefish endorsements. {revised at 62 FR 34670, June 27, 1997}

(1) The SFD has notified each limited entry, fixed gear permit holder, by letter of qualification status, whether Pacific States Marine Fisheries Commission's Pacific Fisheries Information Network (PacFIN) records indicate that his or her permit qualifies for a sablefish endorsement. A person who has been notified by the SFD, by letter of qualification status, that his or her permit qualifies for a sablefish endorsement will be issued a revised limited entry permit with a sablefish endorsement if, by November 30, 1998, that person returns to the SFD the endorsement application and pays the one-time processing fee. No new applications for sablefish endorsements will be accepted after November 30, 1998. {added at 62 FR 34670, June 27, 1997; revised at 63 FR 38101, July 15, 1998}

(2) If the permit owner receives a letter of qualification status from the SFD indicating that PacFIN records do not show that his or her permit qualifies for a sablefish endorsement and if the permit owner believes that there is sufficient evidence to show that his or her permit does qualify for an endorsement, that permit holder must submit information to the SFD to demonstrate that the permit does qualify for a sablefish endorsement within 30 days of the issuance of the SFD's letter of qualification status. Section 660.333(d) sets out the relevant evidentiary standards and burden of proof. {added at 62 FR 34670, June 27, 1997}

(3) After review of the evidence submitted under § 660.336(c)(2), and any additional information the SFD finds to be relevant, the SFD will notify a permit owner if the permit qualifies for a sablefish endorsement. A person whose permit qualifies will be issued a revised limited entry permit with a sablefish endorsement upon payment of the one-time processing fee. {added at 62 FR 34670, June 27, 1997}

(4) After review of the evidence submitted under § 660.336(c)(2), and any additional information the SFD finds to be relevant, the SFD will notify a permit owner of his determination that the permit does not qualify for a sablefish endorsement. {added at 62 FR 34670, June 27, 1997}

(5) If [the] permit holder wishes to file an appeal of the determination under § 660.336(c)(4), the appeal must be filed with the Regional Administrator within 30 days of the issuance of the letter (at § 660.336(c)(4)). The appeal must be in writing and must allege facts or circumstances, and include credible evidence, demonstrating why the permit (or interim permit) qualifies for the sablefish endorsement. The appeal of a denial of a sablefish endorsement will not be referred to the Council for a recommendation under § 660.340(e). {added at 62 FR 34670, June 27, 1997}

(6) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 45 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department of Commerce as of the date of the decision. {added at 62 FR 34670, June 27, 1997}

(d) Issuance process for tier assignments. {added at 63 FR 38101, July 15, 1998}

(1) The SFD will notify each owner of a limited entry permit with a sablefish endorsement, by letter of qualification status, of the tier assignment for which his or her permit qualifies, as

indicated by PacFIN records. The SFD will also send to the permit owner a tier assignment certificate. {added at 63 FR 38101, July 15, 1998}

(2) If a permit owner believes there is sufficient evidence to show that his or her permit qualifies for a different tier than that listed in the letter of qualification status, that permit owner must, within 30 days of the issuance of the SFD's letter of qualification status, submit information to the SFD to demonstrate that the permit qualifies for a different tier. Section 660.333(d) sets out the relevant evidentiary standards and burden of proof. {added at 63 FR 38101, July 15, 1998}

(3) After review of the evidence submitted under paragraph (d)(2) of this section, and any additional information the SFD finds to be relevant, the SFD will issue a letter of determination notifying a permit owner of whether the evidence submitted is sufficient to alter the initial tier assignment. If the SFD determines the permit qualifies for a different tier, the permit owner will be issued a revised tier assignment certificate once the initial certificate is returned to the SFD for processing. {added at 63 FR 38101, July 15, 1998}

(4) If a permit owner chooses to file an appeal of the determination under paragraph (d)(3) of this section, the appeal must be filed with the Regional Administrator within 30 days of the issuance of the letter of determination (at paragraph (d)(3) of this section). The appeal must be in writing and must allege facts or circumstances, and include credible evidence demonstrating why the permit qualifies for a different tier assignment. The appeal of a denial of an application for a different tier assignment will not be referred to the Council for a recommendation under § 660.340(e). {added at 63 FR 38101, July 15, 1998}

(5) Absent good cause for further delay, the Regional Administrator will issue a written decision on the appeal within 30 days of receipt of the appeal. The Regional Administrator's decision is the final administrative decision of the Department of Commerce as of the date of the decision. {added at 63 FR 38101, July 15, 1998}

(e) Tier assignment certificates. For the 1998 season only, permit holders with sablefish endorsements will be issued certificates of tier assignment that are to be kept with and are considered part of their limited entry permits. When limited entry permit holders renew their permits for 1999, tier assignments for those limited entry permit holders with sablefish endorsements will be indicated directly on the limited entry permit. {added at 63 FR 38101, July 15, 1998}

#### § 660.337 Limited entry permits--``designated species B" endorsement.

##### (a) Issuance criteria--

(1) General. Designated species means Pacific whiting, jack mackerel north of 39 deg. N. lat., and shortbelly rockfish. Bycatch allowances in fisheries for these species will be established using the procedures specified for incidental allowances in joint venture and foreign fisheries in the PCGFMP.

(2) Catch limit. On or about October 1 of each year, the SFD will determine the commitment of persons with limited entry permits with ``A" gear endorsements (the ``limited entry fleet") to harvest each designated species for delivery to domestic processors during the coming year.

``Commitment" means a permit holder's contract or agreement with a specific domestic processor to deliver an estimated amount of the designated species. The ``designated species B" endorsement catch limit is the harvest guideline or quota for the designated species minus the commitment of the limited entry fleet. If the commitment is less than DAP and the harvest guideline or quota for the species, ``designated species B" endorsements valid for delivery to domestic processors will be issued in numbers necessary to reach but not exceed the harvest guideline or quota. ``Designated species B" endorsements also may be issued for delivery to foreign processors of designated species for which a JVP is established. If, at any time during the fishing year, the SFD determines that any part of the limited entry fleet commitment will not be taken, the Regional Director [Regional Administrator] will make a reapportionment to the ``designated species B" endorsement catch limit. The amount of the annual limited entry fleet commitment, ``designated species B" endorsement catch limit, and the amounts and timing of any reapportionments to the ``designated species B" endorsement catch limit will be announced in the Federal Register.

(3) Procedure for issuance. Owners of vessels applying for ``designated species B" endorsements must apply on or before November 1 of each year for a ``designated species B" endorsement for the following year. Applications are available from the SFD. Applicants are required to specify their commitments for delivery of the designated species for the coming year. On or about November 1 of each year, the SFD will establish a prioritized list of applicants based on seniority (number of years the vessel has fished for the designated species). A vessel which replaces a lost vessel, consistent with the standards in the PCGFMP, has the same seniority status as the replaced vessel. Vessels with equal seniority will be ranked equally. ``Designated species B" endorsements will be issued first to all vessels with the highest seniority, then to those with the next highest seniority, and so on down the list. No further endorsements will be issued when it is estimated that the commitments of applicants receiving endorsements is sufficient to take the ``designated species B" catch limit. If there are insufficient commitments by senior applicants to take the ``designated species B" catch limit, additional applications will be ranked by lottery and a number of endorsements sufficient to take the catch limit will be issued.

(b) Attributes.

(1) A limited entry permit with a ``designated species B" endorsement entitles the permit recipient to fish only for the species, and only with the gear, specified in the endorsement.

(2) A ``designated species B" endorsement is not transferable to another person, and may not be used with a different vessel under the same ownership, unless the vessel has been totally lost and replaced consistent with the provisions of the PCGFMP, in which case the replacement vessel has the same seniority as the lost vessel for purposes of a ``designated species B" endorsement.

(3) A ``designated species B" endorsement is valid only for the fishing year for which it is issued.

§ 660.338 Limited entry permits--new permits.

(a) Small limited entry fisheries that are controlled by a local government, are in existence as of

July 11, 1991, and have negligible impacts on the groundfish resource, may be certified as consistent with the goals and objectives of the limited entry program and incorporated into the limited entry fishery. Permits issued under this subsection will be issued according to the standards and procedures set out in the PCGFMP and will carry the rights explained therein. Window period is that period from July 11, 1984, through August 1, 1988.

(b) If, after the window period, an exempt gear is prohibited by Washington, Oregon, or California or NMFS, the owners of vessels using such gear, who would not otherwise qualify for an ``A" or ``provisional A" endorsement, may qualify for a ``provisional A" endorsement for only one of the three limited entry gears, if the vessel used the prohibited gear to make sufficient landings of groundfish during the window period to meet the MLR for the limited entry gear. If a vessel would qualify for an endorsement for more than one limited entry gear, the owner must choose the type of gear for which the endorsement will be issued. If an ``A" or ``provisional A" endorsement was previously issued for the vessel, and the endorsement was subsequently transferred or expired, no ``provisional A" endorsement will be issued. Permits issued under this section will be issued according to the procedures and standards set out in the PCGFMP and will carry the rights explained therein.

(c) An owner of a vessel that qualifies under this section must apply to the SFD for a permit within 180 days of incorporation of the limited entry fleet of which the vessel is a part or within 180 days of the effective date of the prohibition of that vessel's gear. Untimely applications will be rejected unless the applicant demonstrates that circumstances beyond the applicant's control prevented submission of the application during the specified period. Illness, injury, or death of the potential applicant are the primary grounds on which untimely applications may be accepted.

#### § 660.339 Limited entry permit fees.

The Regional Director [Regional Administrator] will charge fees to cover administrative expenses related to issuance of limited entry permits, including initial issuance, renewal, transfer, vessel registration, replacement, and appeals. The appropriate fee must accompany each application.

#### § 660.340 Limited entry permit appeals.

(a) Decisions on appeals of initial decisions regarding issuance, renewal, transfer, and registration of limited entry permits, and endorsement upgrade, will be made by the Regional Director [Regional Administrator].

(b) Appeals decisions shall be in writing and shall state the reasons therefor.

(c) Within 30 days of an initial decision by the SFD denying issuance, renewal, transfer, or registration of a limited entry permit, or endorsement upgrade, on the terms requested by the applicant, an appeal may be filed with the Regional Director [Regional Administrator].

(d) The appeal must be in writing, and must allege facts or circumstances to show why the criteria in this subpart have been met, or why an exception should be granted.

(e) At the appellant's discretion, the appeal may be accompanied by a request that the Regional Director [Regional Administrator] seek a recommendation from the Council as to whether the appeal should be granted. Such a request must contain the appellant's acknowledgement that the confidentiality provisions of the Magnuson Act at 16 U.S.C. 1853(d) and part 600 of this chapter are waived with respect to any information supplied by the Regional Director [Regional Administrator] to the Council and its advisory bodies for purposes of receiving the Council's recommendation on the appeal. In responding to a request for a recommendation on appeal, the Council will apply the provisions of the PCGFMP in making its recommendation as to whether the appeal should be granted.

(f) Absent good cause for further delay, the Regional Director [Regional Administrator] will issue a written decision on the appeal within 45 days of receipt of the appeal, or, if a recommendation from the Council is requested, within 45 days of receiving the Council's recommendation. The Regional Director [Regional Administrator]'s decision is the final administrative decision of the Department as of the date of the decision.

#### § 660.341 Limited entry permit sanctions.

Limited entry permits issued or applied for under this subpart are subject to sanctions pursuant to the Magnuson Act at 16 U.S.C. 1858(g) and 15 CFR part 904, subpart D.

§ 660.350 Compensation with fish for collecting resource information--exempted fishing permits off Washington, Oregon, and California. Effective July 1, 1998 through January 4, 1999. {added at 63 FR 36614, July 7, 1998}

In addition to the reasons stated in § 600.745(b)(1) of this chapter, an EFP may be issued under this subpart G for the purpose of compensating the owner or operator of a vessel for collecting resource information according to a protocol approved by NMFS. The EFP would allow a vessel to retain fish as compensation in excess of trip limits, or to be exempt from other specified management measures for the Pacific coast groundfish fishery.

(a) Compensation EFP. A compensation EFP may be issued to the owner or operator of a vessel that conducted a resource survey according to a contract with NMFS. A vessel's total compensation from all sources (in terms of dollars or amount of fish and including fish from survey samples or compensation fish) will be determined through normal Federal procurement procedures. The compensation EFP will specify the maximum amount or value of fish that may

be retained by the vessel after the resource survey is completed.

(1) Competitive offers. NMFS may initiate a competitive solicitation (request for proposals or RFP) to select vessels to conduct resource surveys that use fish as full or partial compensation, following normal Federal procurement procedures.

(2) Consultation and approval. At a Council meeting, NMFS will consult with the Council and receive public comment on upcoming resource surveys to be conducted if groundfish could be used as whole or partial compensation. Generally, compensation fish would be similar to surveyed species, but there may be reasons to provide payment with healthier, more abundant, less restricted stocks, or more easily targeted species. For example, NMFS may decline to pay a vessel with species that are, or are expected to be, overfished, or that are subject to overfishing, or that are unavoidably caught with species that are overfished or subject to overfishing. NMFS also may also consider levels of discards, bycatch, and other factors. If the Council does not approve providing whole or partial compensation for the conduct of a survey, NMFS will not use fish, other than fish taken during the scientific research, as compensation for that survey. For each proposal, NMFS will present:

- (i) The maximum number of vessels expected or needed to conduct the survey,
- (ii) An estimate of the species and amount of fish likely to be needed as compensation,
- (iii) When the survey and compensation fish would be taken, and
- (iv) The year in which the compensation fish would be deducted from the ABC before determining the harvest guideline or quota.

(3) Issuance of the compensation EFP. Upon successful completion of the survey, NMFS will issue a "compensation EFP" to the vessel if it has not been fully compensated. The procedures in § 600.745(b)(1) through (b)(4) of this chapter do not apply to a compensation EFP issued under this subpart for the Pacific coast groundfish fishery (50 CFR part 660, subpart G).

(4) Terms and conditions of the compensation EFP. Conditions for disposition of bycatch or any excess catch, for reporting the value of the amount landed, and other appropriate terms and conditions will be specified in the EFP. Compensation fishing must occur during the period specified in the EFP, but no later than the end of September of the fishing year following the survey, and must be conducted according to the terms and conditions of the EFP.

(5) Reporting the compensation catch. The compensation EFP may require the vessel owner or operator to keep separate records of compensation fishing and to submit them to NMFS within a specified period of time after the compensation fishing is completed.

(6) Accounting for the compensation fish. As part of the annual specification process (§ 660.321), NMFS will advise the Council of the amount of fish retained under a compensation EFP, which then will be deducted from the next year's ABCs before setting the HGs or quotas. Fish taken too late in the year to be deducted from the following year's ABC will be accounted for in the next management cycle practicable.

(b) EFP with a compensation clause. An EFP may be issued to a commercial fishing vessel for the purpose of collecting resource information in excess of current management limits (§ 600.745(b) of this chapter). The EFP may include a compensation clause that allows the participating vessel to be compensated with fish for its efforts to collect resource information according to NMFS' approved protocol. If compensation with fish is requested in an EFP application, or proposed by NMFS, the following provisions apply in addition to those at §

600.745(b) of this chapter.

(1) Application. In addition to the requirements in § 600.745(b) of this chapter, application for an EFP with a compensation clause must clearly state whether a vessel's participation is contingent upon compensation with groundfish and, if so, the minimum amount (in metric tons, round weight) and the species. As with other EFPs issued under § 600.745 of this chapter, the application may be submitted by any individual, including a state fishery management agency or other research institution.

(2) Denial. In addition to the reasons stated in § 600.745(b)(3)(iii) of this chapter, the application will be denied if the requested compensation fishery, species, or amount is unacceptable for reasons such as, but not limited to, the following: NMFS concludes the value of the resource information is not commensurate with the value of the compensation fish; the proposed compensation involves species that are (or are expected to be) overfished or subject to overfishing, fishing in times or areas where fishing is otherwise prohibited or severely restricted, or fishing for species that would involve unavoidable bycatch of species that are overfished or subject to overfishing; or NMFS concludes the information can reasonably be obtained at less cost to the resource.

(3) Window period for other applications. If the RA or designee agrees that compensation should be considered, then a window period will be announced in the Federal Register during which additional participants will have an opportunity to apply. This notification would be made at the same time as announcement of receipt of the application and request for comments required under § 600.745(b). If there are more qualified applicants than needed for a particular time and area, NMFS will choose among the qualified vessels, either randomly, in order of receipt of the completed application, or by other impartial selection methods. If the permit applicant is a state, university, or Federal entity other than NMFS and NMFS approves the selection method, the permit applicant may choose among the qualified vessels, either randomly, in order of receipt of the vessel application, or by other impartial selection methods.

(4) Terms and conditions. The EFP will specify the amounts that may be taken as scientific samples and as compensation, the time period during which the compensation fishing must occur, management measures that are waived while fishing under the EFP, and other terms and conditions appropriate to the fishery and the collection of resource information. NMFS may require compensation fishing to occur on the same trip that the resource information is collected.

(5) Accounting for the catch. Samples taken under this EFP, as well as any compensation fish, are counted toward the current year's catch or landings.



\* \* \* \* \* [Table 1 is not relevant to West Coast Groundfish]

Table 2 to Part 660--Vessel Capacity  
Ratings for West Coast Groundfish  
Limited Entry Permits

Vessel length	Capacity rating	Vessel length	Capacity rating
<20.....	1.00	58.....	14.32
21.....	1.13	59.....	14.95
22.....	1.27	60.....	15.59
23.....	1.42	61.....	16.25
24.....	1.58	62.....	16.92
25.....	1.75	63.....	17.61
26.....	1.93	64.....	18.32
27.....	2.12	65.....	19.04
28.....	2.32	66.....	19.78
29.....	2.53	67.....	20.54
30.....	2.76	68.....	21.32
31.....	2.99	69.....	22.11
32.....	3.24	70.....	22.92
33.....	3.50	71.....	23.74
34.....	3.77	72.....	24.59
35.....	4.05	73.....	25.45
36.....	4.35	74.....	26.33
37.....	4.66	75.....	27.23
38.....	4.98	76.....	28.15
39.....	5.31	77.....	29.08
40.....	5.66	78.....	30.04
41.....	6.02	79.....	31.01
42.....	6.39	80.....	32.00
43.....	6.78	81.....	33.01
44.....	7.18	82.....	34.04
45.....	7.59	83.....	35.08
46.....	8.02	84.....	36.15
47.....	8.47	85.....	37.24
48.....	8.92	86.....	38.34
49.....	9.40	87.....	39.47
50.....	9.88	88.....	40.61
51.....	10.38	89.....	41.77
52.....	10.90	90.....	42.96
53.....	11.43	91.....	44.16
54.....	11.98	92.....	45.38
55.....	12.54	93.....	46.63
56.....	13.12	94.....	47.89
57.....	13.71	95.....	49.17

96.....	50.48	147.....	146.46
97.....	51.80	148.....	148.96
98.....	53.15	149.....	151.49
99.....	54.51	150.....	154.05
100.....	55.90	151.....	154.68
101.....	57.31	152.....	155.31
102.....	58.74	153.....	155.94
103.....	60.19	154.....	156.57
104.....	61.66	155.....	157.20
105.....	63.15	156.....	157.83
106.....	64.67	157.....	158.46
107.....	66.20	158.....	159.10
108.....	67.76	159.....	159.73
109.....	69.34	160.....	160.36
110.....	70.94	161.....	160.99
111.....	72.57	162.....	161.62
112.....	74.21	163.....	162.25
113.....	75.88	164.....	162.88
114.....	77.57	165.....	163.51
115.....	79.28	166.....	164.14
116.....	81.02	167.....	164.77
117.....	82.77	168.....	165.41
118.....	84.55	169.....	166.04
119.....	86.36	170.....	166.67
120.....	88.18	171.....	167.30
121.....	90.03	172.....	167.93
122.....	91.90	173.....	168.56
123.....	93.80	174.....	169.19
124.....	95.72	175.....	169.82
125.....	97.66	176.....	170.45
126.....	99.62	177.....	171.08
127.....	101.61	178.....	171.72
128.....	103.62	179.....	172.35
129.....	105.66	180.....	172.98
130.....	107.72	181.....	173.61
131.....	109.80	182.....	174.24
132.....	111.91	183.....	174.87
133.....	114.04	184.....	175.50
134.....	116.20	185.....	176.13
135.....	118.38	186.....	176.76
136.....	120.58	187.....	177.40
137.....	122.81	188.....	178.03
138.....	125.06	189.....	178.66
139.....	127.34	190.....	179.29
140.....	129.64	191.....	179.92
141.....	131.97	192.....	180.55
142.....	134.32	193.....	181.18
143.....	136.70	194.....	181.81
144.....	139.10	195.....	182.44
145.....	141.53	196.....	183.07
146.....	143.98	197.....	183.71

198.....	184.34	249.....	216.52
199.....	184.97	250.....	217.15
200.....	185.60	251.....	217.78
201.....	186.23	252.....	218.41
202.....	186.86	253.....	219.04
203.....	187.49	254.....	219.67
204.....	188.12	255.....	220.30
205.....	188.75	256.....	220.94
206.....	189.38	257.....	221.57
207.....	190.02	258.....	222.20
208.....	190.65	259.....	222.83
209.....	191.28	260.....	223.46
210.....	191.91	261.....	224.09
211.....	192.54	262.....	224.72
212.....	193.17	263.....	225.35
213.....	193.80	264.....	225.98
214.....	194.43	265.....	226.61
215.....	195.06	266.....	227.25
216.....	195.69	267.....	227.88
217.....	196.33	268.....	228.51
218.....	196.96	269.....	229.14
219.....	197.59	270.....	229.77
220.....	198.22	271.....	230.40
221.....	198.85	272.....	231.03
222.....	199.48	273.....	231.66
223.....	200.11	274.....	232.29
224.....	200.74	275.....	232.93
225.....	201.37	276.....	233.56
226.....	202.01	277.....	234.19
227.....	202.64	278.....	234.82
228.....	203.27	279.....	235.45
229.....	203.90	280.....	236.08
230.....	204.53	281.....	236.71
231.....	205.16	282.....	237.34
232.....	205.79	283.....	237.97
233.....	206.42	284.....	238.60
234.....	207.05	285.....	239.24
235.....	207.68	286.....	239.87
236.....	208.32	287.....	240.50
237.....	208.95	288.....	241.13
238.....	209.58	289.....	241.76
239.....	210.21	290.....	242.39
240.....	210.84	291.....	243.02
241.....	211.47	292.....	243.65
242.....	212.10	293.....	244.28
243.....	212.73	294.....	244.91
244.....	213.36	295.....	245.55
245.....	213.99	296.....	246.18
246.....	214.63	297.....	246.81
247.....	215.26	298.....	247.44
248.....	215.89	299.....	248.07

300.....	248.70	351.....	280.88
301.....	249.33	352.....	281.51
302.....	249.96	353.....	282.14
303.....	250.59	354.....	282.78
304.....	251.22	355.....	283.41
305.....	251.86	356.....	284.04
306.....	252.49	357.....	284.67
307.....	253.12	358.....	285.30
308.....	253.75	359.....	285.93
309.....	254.38	360.....	286.56
310.....	255.01	361.....	287.19
311.....	255.64	362.....	287.82
312.....	256.27	363.....	288.46
313.....	256.90	364.....	289.09
314.....	257.54	365.....	289.72
315.....	258.17	366.....	290.35
316.....	258.80	367.....	290.98
317.....	259.43	368.....	291.61
318.....	260.06	369.....	292.24
319.....	260.69	370.....	292.87
320.....	261.32	371.....	293.50
321.....	261.95	372.....	294.13
322.....	262.58	373.....	294.77
323.....	263.21	374.....	295.40
324.....	263.85	375.....	296.03
325.....	264.48	376.....	296.66
326.....	265.11	377.....	297.29
327.....	265.74	378.....	297.92
328.....	266.37	379.....	298.55
329.....	267.00	380.....	299.18
330.....	267.63	381.....	299.81
331.....	268.26	382.....	300.44
332.....	268.89	383.....	301.08
333.....	269.52	384.....	301.71
334.....	270.16	385.....	302.34
335.....	270.79	386.....	302.97
336.....	271.42	387.....	303.60
337.....	272.05	388.....	304.23
338.....	272.68	389.....	304.86
339.....	273.31	390.....	305.49
340.....	273.94	391.....	306.12
341.....	274.57	392.....	306.75
342.....	275.20	393.....	307.39
343.....	275.83	394.....	308.02
344.....	276.47	395.....	308.65
345.....	277.10	396.....	309.28
346.....	277.73	397.....	309.91
347.....	278.36	398.....	310.54
348.....	278.99	399.....	311.17
349.....	279.62	>400.....	311.80
350.....	280.25		

